

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HERMAN LEBOWITZ, EKATERINA REZNIKOV, and  
KEITH BLACK,

Plaintiffs,

-against-

THE NEW YORK CITY DEPARTMENT OF  
EDUCATION, JOHN O'MAHONEY, and LAURA IZZO  
(individually and in their official capacities),

Defendants.

**PROPOSED DECLARATION  
OF ASSISTANT  
CORPORATION COUNSEL  
ERIC MURRELL IN  
SUPPORT OF  
DEFENDANTS' RESPONSE  
TO PLAINTIFFS'  
COUNTERSTATEMENT OF  
FACTS PURSUANT TO  
LOCAL CIVIL RULE 56.1  
AND IN FURTHER  
SUPPORT OF  
DEFENDANTS' MOTION  
FOR SUMMARY  
JUDGMENT**

15 Civ. 2890 (LDH) (ST)

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**ERIC MURRELL** declares that the following is true and correct under penalty of  
perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, the attorney for the Defendants in the above-referenced action.
2. As such, I submit this Proposed Declaration in support of Defendants' Response to Plaintiffs' Counterstatement of Facts Pursuant to Local Civil Rule 56.1 and in Further Support of Defendants' Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure ("FRCP") in order to place before the Court documents likely relied upon by Defendants in their motion for Summary Judgment pursuant to FRCP Rule 56. This Declaration is based on the books and records maintained by the Defendants.

3. Annexed hereto as **Exhibits “R” to “Y”<sup>1</sup>** are documents relied upon and cited in Defendants’ Response to Plaintiffs’ Counterstatement of Facts Pursuant to Local Civil Rule 56.1 and in Further Support of Defendants’ Motion for Summary Judgment submitted herewith in support of Defendants’ request for a pre-motion conference. The documents consist of the following: (1) depositions taken of the parties and non-parties; (2) documents this Honorable Court can take judicial notice of; (3) documents maintained by Defendants in the ordinary course of business; and (4) statements by or on behalf of the plaintiffs. These documents are as follows:

R. The New York City Department of Education Division of Human Resources Annual Professional Performance Review and Report (“APPR”) on Probationary Service of Pedagogical Employee regarding Ekaterina Reznikov bearing Bates Stamp Nos. Bates Stamp Nos. DEFENDANTS 001465 – DEFENDANTS 001466, DEFENDANTS 001471 – DEFENDANTS 001474, DEFENDANTS 001481 – DEFENDANTS 001484, DEFENDANTS 001492, DEFENDANTS 001497, DEFENDANTS 001530, DEFENDANTS 001553, DEFENDANTS 001741, DEFENDANTS 001765, DEFENDANTS 001835 – DEFENDANTS 001836.

S. The November 2, 2017 and November 15, 2017 Deposition Transcripts of Non-Party Witness, Leslie Hiles Paoletti

T. Observation Report regarding Ekaterina Reznikov bearing Bates Stamp Nos. DEFENDANTS 001745 – DEFENDANTS 001748.

U. Printout from the National Weather Service – National Oceanic and Atmospheric Administration regarding Hurricane Sandy.

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<sup>1</sup> The exhibits continue from those set forth in Dkt. No. 89-19.

V. Unsigned June 26, 2014 letter from Laura Izzo-Iannelli to Ekaterina Reznikov bearing Bates Stamp Nos. DEFENDANTS 001602 – DEFENDANTS 001603.

W. Initial Psychiatric Evaluation regarding Ekaterina Reznikov dated May 9, 2014, signed by Alexander Ivanov, M.D. bearing Bates Stamp Nos. 0223 – 0224.

X. Plaintiff Keith Black's Expert Disclosure Pursuant to Federal Rules of Civil Procedure Rule 26(a)(2)(c).

Y. May 11, 2017 Continued Deposition Transcript of Defendant Laura Izzo-Iannelli.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: September 14, 2018  
New York, New York

  
ERIC MURRELL  
ASSISTANT CORPORATION COUNSEL